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M. H.-27—100,000—05-5-48.

Public (Gen-B) (1948) Department.

M/s SERIES.

G.O. No. 181

181

Dated 27-1-1948

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[Despatch Abstract.]

Memorials and Petitions - To the G.G. from members of the public - Government of India's revised Instructions - Appendix I to Business Rules and Secty. Instructions Amended -

GOVERNMENT OF MADRAS
Abstract

Memorials and Petitions - To the Governor-General from members of the Public - Government of India's revised Instructions - Appendix I to Business Rules and Secretariat Instructions - Amended -

PUBLIC(GENERAL-B) DEPARTMENT.

G.O.Ms.No.181. Dated 27th January 1948.
Read the following:

G.O.No.276(S) Public Elections, dated 31-12-1942.
From the Government of India, Ministry of Home Affairs, No.338/47-Public(A), dated 20-12-1947.

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O R D E R:

R E C O R D E D.

The Government of India, Ministry of Home Affairs Notification No.338/47-Public(A), dated 20-12-1947 will be republished in the Fort St. George Gazette.

The following amendment shall be made in Appendix I to the Madras Government Business Rules and Secretariat Instructions:-

AMENDMENT.

In Appendix I to the Business Rules and Secretariat Instructions, for the existing section 'B', the following section shall be substituted, namely:-

"B. INSTRUCTIONS FOR THE SUBMISSION OF PETITIONS TO THE GOVERNOR-GENERAL

PART I
PRELIMINARY.

1. Definition.- For the purposes of these Instructions, "Petition" includes memorials, letters and applications of the nature of petitions.

2. Scope of Instructions.- These Instructions shall apply so far as may be, to all petitions addressed to the Governor-General relating to matters to which the executive authority of the Governor General ~~relating~~ extends excepting -

(i) petitions substituted by, or on behalf of, persons sentenced by a court of law to death or to any other punishment;

(ii) petitions submitted by, or on behalf of persons who are or have been in the service of the Crown in respect of matters arising out of such service or in respect of the termination of such service; and

(iii) petitions relating to bills pending before the Indian Legislature.

PART II.

Form and Manner of Submission of Petitions.

3. Form of petition. - (1) A petition may be either in type or in print.

(2) Every petition shall be authenticated by the signature of the petitioner, or, when the petitioners are numerous, by the signatures of one or more of them.

(3) Every petition and the documents accompanying it, shall, if possible, be in English; if not they shall be accompanied by an English translation authenticated in the matter provided in sub-instruction (2).

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4. Contents of petition. - Every petition shall -

(a) contain all material statements and arguments relied upon by the petitioner;

(b) be complete in itself;

(c) if any recorded order of a public authority is complained against, be accompanied by a copy of the order and by a copy of any order in the case passed by the subordinate authority; and

(d) end with a specific prayer.

5. Method of submission. - Every petition shall be submitted -

(a) if it relates to a matter directly administered by the Governor General, through the Head of the Ministry concerned;

(b) if it emanates from a Chief Commissioner's Province and is not covered by the preceding clause, through the Chief Commissioner, and

(c) in any other case to the Governor General in the Ministry of Home Affairs;

and shall be accompanied by a letter requesting the authority to submit the petition to the Governor General.

PART IIIX.

Withholding of petitions by subordinate authorities.

6. Circumstances in which petitions may be withheld. - The petitions received by any authority under sub-instructions (a) and (b) of instruction 5 may, if it is an authority specified in the Schedule be withheld by that authority, when -

(1) the petitioner has not compiled in full with the provisions; of Part II of these instructions;

(2) the petition is illegible or unintelligible, or contains language which is, in the opinion of the authority disloyal, disrespectful or improper;

(3) a previous petition from the petitioner on the same subject has been disposed of by the Governor General and the petition in the opinion of the authority, discloses no new facts or circumstances which afford grounds for reconsideration of the subject;

(4) the petition is a representation against a decision which is declared to be final by any law or statutory rule;

(5) the law provides a different or specific remedy in respect of the subject matter of the petition, whether or not any period of limitation prescribed for the prosecution of such remedy has expired;

(6) the petition is in effect an appeal from a judicial decision;

(7) the petition is a mere application for relief, pecuniary or other, which is -

(a) presented by a person manifestly possessing no claim or advancing a claim of an obviously unsubstantial character; or

(b) so belated that its consideration is clearly impossible.

(8) the petition makes a proposal regarding legislation which the authority is not prepared to support;

(9) the petition is representation against the action of a private individual or of a body of private individuals regarding the private relations of the petitioner or such individual or body;

contd:-

(10) the petiton relates to a matter in which the petitioner has no direct personal interest;
(11) the petition relates to a subject on which the authority is competent to pass orders, and no application for redress has been made by the petitioner to the authority;
(12) the petition is a representation against an order communicated to the petitioner more than six months before the submission of the petitioner and no satisfactory explanation of the delay is given;
(13) the petiton is a representation against a failure to exercise a discretion vested in the Governor General or any others authority;
(14) the petition is a representation relating to orders made by the Secretary of State for India.

7. Petitioner to be informed when petition is withheld - - when a petition is withheld under instruction 6, the authority shall inform the petitioner of the withholding and the reasons therefor.

8. List of petitions withheld. - The authorities mentioned in the Schedule shall send a quarterly return to the Governor General specifying all petitions, withheld under Instruction 6 and the reasons for withholding them.

PART IV.

TRANSMISSION OF PETITIONS BY SUBORDINATE AUTHORITIES.

9. Procedure for Transmission. - (I) The authorities referred to in sub-instructions (a) and (b) of instruction 5 shall transmit to the Governor General all petitions not withheld under Instruction 6 together with a concise statement of facts material thereto and an expression of the opinion of the authority concerned thereon. (2) where the petition or any document accompanying it is not in English -

(a) if it is accompanied by an English translation, the authority shall examine the translation and report any defects found therein while transmitting the petition;

(b) if it is not accompanied by an English translation the authority shall prepare such a translation and transmit it together with the petition.

SCHEDULE.

LIST OF SUBORDINATE AUTHORITIES WHO MAY WITHHOLD PETITIONS.

See Instruction 6.

1. All Heads of Ministries directly administered by the Governor-General including:-

(a) The Commander-in-Chief in India;
(b) The Flag Officer Commanding, Royal Indian Navy;
(c) The Air Officer Commanding-in-Chief, Air Headquarters, India; and
(d) Railway Board.

2. Army, District and Indpendent Brigage Commanders.

3. Chief Commissioners."

(By Order of His Excellency the Governor)

K. Ramunni Menon,
Chief Secretary to Government.

P.T.O.

To
The Departments of Secretariat (including Public).
The Secretariat of Madras Legislature.
The Private Secretary to Governor.
The Superintendent, Government Press for publication of the notification in the Fort St. George Gazette and to issue correctionslips to Business Rules and Sectt. Instructions.
Copyto Secretariat Library(5 copies)

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/True Copy/

Office Assistant.
Madras Record Office.

gs/-29-9/